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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,443	03/24/2000	Jeffrey L. Johanning	ADV-B-291	3408

7590

04/22/2004

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WASHINGTON, DC 20006

EXAMINER
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PATEL, ASHOK

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/534,443	JOHANNING, JEFFREY L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ashok Patel	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) 1-30, 32-82, 85 and 86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31, 83 and 84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0600, 0903</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

1. Applicant's election with traverse of Group II, Species I, claim 31, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Newly added claims 83 and 84 are considered into the elected species by way of their dependency in claim 31. As to claims 81 and 82, these claims are directed to a structure which is different from that of the elected species. Claim 82 includes structures that is very much similar to structure covered by non-elected species III or V. Elected species I is directed to a structure including an elongated frame supported by a stem assembly and including *no weld between stem and the stem assembly*. The Examiner withdraws non-elected claims 1-30, 32-82, 85 and 86. An action on merits including claims 31, 83 and 84 is as follows.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the

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United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 31 and 83 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Brown et al (USPN 6,288,164).

Brown et al disclose applicant's claimed mounting structure (Figures 1-3) including: an elongated frame (14) supported at one end by a stem assembly (bottom part of the frame), there being no weld between the frame and the stem assembly.

As to claim 83, Brown et al disclose the stem assembly including: a stem (9) and a stem clamp (11 or 12) supported by the stem, the stem clamp including: one or more end by engagement with one or more of the frame retaining tabs (a-d located at each corners area).

As to claim 84, Brown et al disclose the mounting structure wherein the frame includes a pair of substantially parallel elongated legs (14a, 14b), each of the legs having a tab retaining portion (14c) adjacent the terminal end thereof.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (USPN (6,188,164) in view of Gustin (USPN 3,094,640).

Brown et al do not disclose the structure including a heat shield as claimed by applicant.

Although providing the heat shield is known in the art of arc tube mounting structure, Gustin is cited for teaching a lamp including a heat shield (30) for shielding a heat emitted from a lighting source.

Consequently, it would have been obvious to one of ordinary skill in the art to provide Brown et al's lamp including the heat shield as taught by Gustin suitably for shielding the heat emitted from the lighting source.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al, Brown et al and Williamson each are cited for showing a general mounting structure of an arc tube.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



Ashok Patel  
Primary Examiner  
Art Unit 2879